

Inspector General

United States
Department of Defense



DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE AND SPECIAL PROGRAM ASSESSMENTS

Report on Sensitive Compartmented Information Leaks in the Department of Defense

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Additional Information

The Department of Defense Office of the Deputy Inspector General for Intelligence and Special Program Assessments prepared this report. If you have questions, please contact the signer of the report.



Acronyms and Abbreviations

DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
ODIG-ISPA	Office of the Deputy Inspector General for Intelligence and Special Program Assessments
SCI	Sensitive Compartmented Information
U.S.C.	United States Code



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

FEB 27 2012

MEMORANDUM FOR SECRETARY OF DEFENSE
UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE
ASSISTANT TO THE SECRETARY OF DEFENSE FOR
INTELLIGENCE OVERSIGHT
DIRECTOR, DEFENSE INTELLIGENCE AGENCY

SUBJECT: Congressionally Directed Investigation of Sensitive Compartmented
Information (SCI) Leaks within the Department of Defense (Report No.
2012-056)

We are providing this report for your information and use. This is an unclassified version
of a classified report.

Should you have any questions regarding this matter, please contact me at (703) 882-4860.

A handwritten signature in black ink, reading "Patricia A. Brannin", is positioned above the printed name.

Patricia A. Brannin
Deputy Inspector General
for Intelligence and Special
Program Assessments

cc:

**CONGRESSIONAL COMMITTEES AND SUBCOMMITTEES, CHAIRMAN
AND RANKING MINORITY MEMBER**

Senate Subcommittee on Defense, Committee on Appropriations

Senate Committee on Armed Services

Senate Select Committee on Intelligence

Senate Committee on Homeland Security and Governmental Affairs

House Committee on Armed Services

House Permanent Select Committee on Intelligence

House Committee on Oversight and Government Reform

House Subcommittee on Defense, Committee on Appropriations

House Subcommittee on National Security, Homeland Defense and Foreign Operations,
Committee on Oversight and Government Reform

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Introduction

Objective

This report is in response to a provision in the Classified Annex (Appendix J) of the FY 2012 House Defense Appropriations Bill, directing the Inspectors General of the DoD and Central Intelligence Agency in coordination with the IGs of affected agencies, to conduct an investigation on the leaks of highly classified information a copy of which can be found in Appendix A. The Deputy Inspector General for Intelligence and Special Program Assessments (ODIG-ISPA) conducted an investigation of the concerns addressed in the Classified Annex. The results are provided herein.

Background

The House Defense Appropriations Committee stated concerns in the above mentioned Classified Annex with “the number of leaked classified and compartmented facts and reports that have occurred over the past three calendar years.” Specifically, the Committee expressed concerns that “sources and methods used for clandestine and covert action are being exposed on a regular basis and is of grave concern.”

Scope and Methodology

In conducting the investigation, the ODIG-ISPA conducted a detailed review of relevant DoD policies, regulations, and instructions. ODIG-ISPA then issued data calls throughout DoD to address the Subcommittee’s request.

The ODIG-ISPA collected the following:

- An inventory of all identified unauthorized disclosures of SCI to the public within DoD from the past three calendar years (December 23, 2008-December 23, 2011);
- The actions taken by DoD to investigate each of the unauthorized disclosure events;
- Which of the unauthorized disclosure investigations were referred by DoD to the Department of Justice; and,
- What additional actions were taken by DoD after the Department of Justice investigation.

For purposes of consistency during the investigation, ODIG-ISPA used the following definitions:

Classified Information-“any information that has been determined pursuant to Executive Order 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], to require protection against unauthorized disclosure that is so designated”(50 U.S.C. 438)

Leak- Unauthorized disclosure of SCI to the public which is defined as: “A communication or physical transfer of [SCI] information to an unauthorized recipient.” DoDD 5210.50, Section 3.2, “Unauthorized Disclosure of Classified Information to the Public,” dated July 22, 2005

Sensitive Compartmented Information (SCI)- “Classified national intelligence information concerning or derived from intelligence sources, methods, or analytical, processes that is required to be handled within formal access control systems established by the Director of National Intelligence.” DoDI 5200.01, Definitions, “DoD Information Security Program and Protection of Sensitive Compartmented Information,” dated October 9, 2008.

Senior Official- “Active duty, retired, Reserve, or National Guard military officers in grades O-7 and above, or selected for promotion to grade O-7; current and former members of the Senior Executive Service; other current and former DoD civilian employees whose positions are deemed equivalent to that of a member of the Senior Executive Service (e.g., Defense Intelligence Senior Executive Service employees, Senior Level employees, and non-appropriated fund senior executives); and current and former Presidential appointees.” DoDD 5205.06, Section 3.3, “DoD Investigations of Allegations Against Senior Officials of the Department of Defense,” dated April 10, 2006, Incorporating Change 1, September 17, 2010.

Results

We confirmed with DoD components that some unauthorized disclosures of SCI to the public did occur within DoD between December 23, 2008 and December 23, 2011. Among the unauthorized SCI disclosures to the public reported, a DoD Senior Official was directly attributed as a source of unauthorized SCI disclosures to the public. DoD components also reported that they followed established DoD guidance and procedures for forwarding unauthorized disclosure cases to the Department of Justice for action when appropriate.

The DoD is currently undertaking a major revision to the DoD issuances that affect the standard reporting process for unauthorized disclosures of SCI to the public. The Directorate of Security in the Office of the USD(I) has updated DoD Manual 5105.21, Sensitive Compartmented Information (SCI) Administrative Security Manual which is now at the Washington Headquarters Services Directives Division for pre-signature review. The Directorate of Security in the Office of the USD(I) stated this revision incorporates a more specific process for the DoD components to report unauthorized disclosures of SCI.

Appendix A. Classified Annex (Appendix J) of the FY 2012 House Defense Appropriations Bill

UNCLASSIFIED

APPENDIX J

(U) DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY INSPECTOR GENERAL INVESTIGATION INTO ADMINISTRATION LEAKS OF HIGHLY CLASSIFIED SENSITIVE MATERIAL

(U) The Committee is appalled with the number of leaked classified and compartmented facts and reports that have occurred over the past three calendar years. The sources and methods used for clandestine and covert activities are some of the most closely guarded secrets in the Department of Defense and intelligence community and the fact that these details are being exposed on a regular basis by 'senior administration officials' is of grave concern. These sources and methods are the life-blood of intelligence and will not be maintained or cultivated in the future if they continue to be exposed.

Classified Sensitive Example Redacted

(U) The Committee believes that these leaks are unacceptable, need to be investigated, and stopped. Therefore, the Committee directs that the Inspector General of the Department of Defense and the Central Intelligence Agency in coordination with the Inspector General of the affected agencies to conduct an investigation and report back to the Subcommittees on Defense of the House of Representatives and the Senate Committee on Appropriations no later than 60 days from enactment of this Act. The investigation shall contain the following: an inventory of the leaks of SCI data including those attributed to a 'senior administration official' from the past three calendar years; the actions taken to investigate each of the events; which of the investigations were referred to the Department of Justice; and, what additional actions were taken after the Department of Justice investigation.

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